

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**DAVID ROBERTSON and
DANIEL RODNI,**

Plaintiffs,

v.

RYAN UPCHURCH,

Defendant.

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Case No. 3:23-cv-00770

District Judge William L. Campbell, Jr.

Magistrate Judge Barbara D. Holmes

**DEFENDANT RYAN UPCHURCH'S MOTION TO EXTEND DEADLINE TO FILE
HIS RESPONSIVE PLEADING TO THE FIRST AMENDED COMPLAINT**

Comes now Defendant Ryan Upchurch, by and through undersigned counsel, and hereby moves this Honorable Court for an Order extending the deadline for Mr. Upchurch to file his responsive pleading to the First Amended Complaint (Doc. No. 9) for one week. In support of this Motion, Mr. Upchurch would show:

1. Plaintiffs David Robertson and Daniel Rodni filed a Complaint on July 28, 2023 (Doc. No. 1), a First Amended Complaint on August 1, 2023 (Doc. No. 7), and a revised First Amended Complaint on August 2, 2023 (Doc. No. 9).

2. Mr. Upchurch waived the service of summons in this matter on August 2, 2023 (Doc. No. 10).

3. Therefore, the deadline for Mr. Upchurch to file his responsive pleading to the First Amended Complaint is October 2, 2023.

4. Undersigned counsel requires a brief extension of time to complete the responsive pleading due to her existing case load and other current deadlines. One week will be sufficient.

5. Undersigned counsel has conferred with Plaintiff's counsel, Christopher Smith, who states that he does not oppose this request to extend the deadline to file the responsive pleading by one week.

For all the above reasons, Mr. Upchurch respectfully requests this Court enter an Order extending the deadline for Mr. Upchurch to file his responsive pleading to the First Amended Complaint from October 2, 2023 to October 10, 2023. (October 9, 2023 is a federal holiday.)

Respectfully Submitted,

Sherwood Boutique Litigation, PLC

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served on the following via the Court's CM/ECF system:

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on this the 28th day of September 2023.

/s/ Cynthia A. Sherwood